

## **REMARKS**

Reconsideration of the application, as amended, is respectfully requested.

Claim 1 has been amended as supported by page 5, lines 4-6 of the specification.

Claims 3, 4, 6, 7, 8 and 9 have been amended to correct the informalities noted by the Office. "Preferred" features from those claims are presented in new claims 11 through 20.

The present invention is directed to oil in water emulsions which are suitable for use as whippable creams. The object of the invention is a cream showing a combination of good whipping behavior, limited post-hardening after whipping, limited or no thickening while packed, and limited sensitivity to temperature cycling.

The invention comprises an oil in water emulsion which is a whippable cream. The emulsion includes an emulsifier, and 5 to 40 wt% fat wherein the fat is characterized by the ratio of  $H_2U$  (triglycerides of 2 saturated fatty acids with a chain length of at least 16 carbon atoms and one cis-unsaturated fatty acid) divided by  $HM_2$  (triglycerides of one saturated fatty acid with chain length of at least 16 carbon atoms and 2 saturated fatty acids with chain length of 10 to 14 carbon atoms) plus  $H_2M$  (triglycerides of 2 saturated fatty acids with chain length of at least 16 carbon atoms and one saturated fatty acid with chain length of 10 to 14 carbon atoms) being from 0.25 to 3.

Floeter, U.S. Patent No. 7,108,888 is directed to a process for preparing an edible triglyceride fat which is able to structure a liquid oil. As stated in the last sentence of

the abstract, the resulting fat enables the preparation of a natural fat phase for the use in spread manufacture.

The Office points to no teaching in U.S. Patent No. 7,108,888 of a whippable cream. In contrast, the Office is requested to consider the present examples wherein characteristics concerning whippability are set forth for compositions within the present invention. Floeter is concerned with the considerably different object of providing a process for modifying and improving the structural quality, the manufacturability and processing of high stearic fat, which process may be considered natural. See, for instance, column 3, lines 19-24 of Floeter. Therefore, Floeter, would not lead one of ordinary skill to the present whippable creams.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



---

Gerard J. McGowan, Jr.  
Registration No. 29,412  
Attorney for Applicant(s)

GJM/mpk  
(201) 894-2297